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 Counterclaim-Defendants ASUSTEK
 COMPUTER INC. and ASUS
 COMPUTER INTERNATIONAL

Attorneys for Plaintiff
 MONOLITHIC POWER SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MONOLITHIC POWER SYSTEMS, INC.,

 Plaintiff,

 v.

 O2 MICRO INTERNATIONAL LIMITED,

 Defendant.

Case No. C 08-4567 CW (EDL)

**DECLARATION OF SCOTT R. MOSKO
 IN SUPPORT OF O2 MICRO
 INTERNATIONAL LIMITED, INC.'S
 ADMINISTRATIVE MOTION TO SEAL
 CONFIDENTIAL EXHIBITS A AND B TO
 EXHIBIT 1 TO THE DECLARATION OF
 DUANE MATHIOWETZ PURSUANT TO
 CIVIL LOCAL RULE 79-5(d) (DKT. NO. 292);
~~PROPOSED~~ ORDER**

O2 MICRO INTERNATIONAL LIMITED,

 Counterclaimant,

 v.

 MONOLITHIC POWER SYSTEMS, INC.,
 ASUSTEK COMPUTER INC., ASUSTEK
 COMPUTER INTERNATIONAL
 AMERICA, BENQ CORPORATION,
 and BENQ AMERICA CORP.,

 Counterclaim-Defendants.

JUDGE: Honorable Claudia Wilken

1 I, Scott R. Mosko, declare as follows:

2 1. I am a partner in the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner,
3 L.L.P., counsel of record for Plaintiff and Counterclaim-Defendant Monolithic Power Systems, Inc.
4 (“MPS”) and Counterclaim-Defendants ASUSTeK Computer Inc. and Asus Computer International
5 (collectively “Asus”). I am a member in good standing of the State Bar of California, and have been
6 admitted to practice before this Court. I submit this declaration in support of Defendant O2 Micro
7 International Limited, Inc.’s (“O2 Micro”) Administrative Motion to Seal Confidential Exhibits A
8 and B to Exhibit 1 (hereinafter referred to as “Exhibit A” and “Exhibit B,” respectively) to the
9 Declaration of Duane Mathiowetz in Support of O2 Micro’s Motion to Serve Final Infringement
10 Contentions (Docket No. 292). The matters stated herein are based upon my personal knowledge,
11 and if called as a witness, I would testify as to the following statements.

12 **Papers That Should Be Filed Under Seal**

13 Pursuant to Civil Local Rules 7-11 and 79-5(b) and (d), MPS and Asus hereby request that
14 select portions of the following documents be filed under seal:

15 (a) **Exhibit A.** Exhibit A contains an infringement claim chart for certain MPS accused
16 products, and accompanies O2 Micro’s recently-proposed “Final Infringement Contentions.” MPS
17 has filed a Motion to Strike these so-called “Final Infringement Contentions,” including the exhibits
18 thereto (Docket No. 286). Accordingly, MPS submits that Exhibits A and B to Exhibit 1 to the
19 Mathiowetz Declaration should not be filed at all, as they are in violation of Patent L.R. 3-6.
20 However, to the extent that Exhibit A is filed at all by O2 Micro, MPS requests redaction of Exhibit
21 A to remove the confidential portions in it.

22 Specifically, O2 Micro has requested that the entirety of Exhibit A be filed under seal on the
23 grounds that it contains MPS’s highly confidential business information. However, in the interest
24 of providing the public with access to as much of the record as possible without causing irreparable
25 harm to MPS, MPS hereby requests that only select portions of Exhibit A—found on pages 1-14
26 and pages 70-87—be filed under seal. These pages contain MPS highly confidential, proprietary,
27 and sensitive business information. In particular, these pages contain content from the datasheets
28 of the MP1009 and MP1048, including detailed diagrams and schematics. The contents from these

1 pages have been the subject of a prior motion to seal, which this Court previously granted
2 (Docket No. 244). Thus, the contents from these pages are subject to the protective order in this
3 case, have previously been filed under seal, and have not otherwise been made public. Moreover,
4 the information included in these datasheets at issue is relatively new, and is the result of extensive
5 research, development, and investment by MPS. If the substance from these pages were disclosed
6 to the public, MPS would be irreparably harmed, and its competitors would gain an unfair competi-
7 tive advantage by being given free access to proprietary business information that MPS has devoted
8 substantial resources to develop. In contrast, the public would not be harmed by being denied access
9 to redacted portions of Exhibit A, since these redactions consist of only select portions of two of the
10 five products contained in O2 Micro's recently proposed "Final Infringement Contentions," and the
11 public would still have access to ample information to understand O2 Micro's arguments. MPS has
12 narrowly tailored its request to seal select portions of pages 1-14 and 70-87 from public view since
13 they contain MPS highly confidential, proprietary, and sensitive business information.

14 So the Court and O2 Micro can understand the specific redactions that MPS believes are
15 appropriate, attached to this declaration are the specific pages of Exhibit A, referred to above,
16 identifying the proposed redactions.

17 (b) **Exhibit B.** Exhibit B contains an infringement chart for certain products associated
18 with the ASUS counterclaim defendants. To the extent that Exhibit B is filed at all by O2 Micro,
19 the ASUS Counterclaim Defendants request redaction of Exhibit B to remove the confidential
20 portions in it.

21 O2 Micro has requested that the entirety of Exhibit B be filed under seal on the grounds
22 that it contains counterclaim defendants' highly confidential business information. However, in
23 the interest of providing the public with access to as much of the record as possible without causing
24 irreparable harm to the ASUS counterclaim defendants, they hereby request that only select portions
25 of Exhibit B—found on pages 23-36, 38-42, and 44—be filed under seal.

26 These pages contain highly confidential trade secret information that has previously not been
27 disclosed to the public. They contain reference to information gleaned from confidential documents
28 including actual schematics that were not intended to be disclosed to the public. The ASUS

1 counterclaim defendants would be irreparably harmed, and their competitors would gain unfair
2 competitive advantage, if this information were to be disclosed to the public.

3 So the Court and O2 Micro can understand the specific redactions that the ASUS
4 Counterclaim Defendants believe are appropriate, attached to this declaration are the specific
5 pages of Exhibit B, referred to above, identifying the proposed redactions.

6 I declare under penalty of perjury under the laws of the United States that the foregoing
7 is true and correct and that this declaration was executed on April 1, 2010, at Palo Alto, California.

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9 /s/ Scott R. Mosko

10 Scott R. Mosko
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~~—[PROPOSED]—~~ORDER

Upon good cause shown, IT IS HEREBY ORDERED that:

- Exhibits A and B to Exhibit 1 to the Declaration of Duane Mathiowetz in Support of Defendant O2 Micro International Limited's Motion to Serve Final Infringement Contentions in Accordance with Patent Local Rule 3-6 (Dkt. 292), shall be filed under seal, and
- If O2 Micro still intends for this Court to consider Exhibits A and B to Exhibit 1 to the Declaration of Duane Mathiowetz in Support of Defendant O2 Micro International Limited's Motion to Serve Final Infringement Contentions in Accordance with Patent Local Rule 3-6 (Dkt. 292), O2 Micro shall redact these documents consistent with attachments to the Mosko Declaration in Support of the Motion to File Under Seal, and publicly file said redacted documents.

IT IS SO ORDERED.

4/7/10

Dated: _____



Claudia Wilken
United States District Judge